

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25137 of 2005

Between:

Mohd.Azam Khan

..... PETITIONER

AND

The Joint Collector, Hyderabad District,

Hyderabad and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in not passing orders on the Memos dated 23.04.2005 and 01.09.2005 filed by the petitioner, seeking dismissal of Appeal No.B2/6563 of 2003 pending before the 1st respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is stated that the petitioner is the Inamdar in respect of the land situated in Sy.No.32, admeasuring Ac.15.05 guntas of Asifnagar village, Hyderabad and in the said land there is a Maqbar-e-Walajahi. In respect of the same property, the Andhra Pradesh Wakf Board, based on a Muntakab, filed a civil suit in O.S.No.189 of 1979 on the file of the IV Additional Judge, City Civil Court, Hyderabad and the said suit was dismissed. Against which, appeals are also ended in favour of the petitioner. It is stated that against the proceedings initiated by the Revenue Divisional Officer, Hyderabad under A.P. (Telangana Area) Abolition of Inams Act, 1955, at the instance of respondents 2 to 5, the petitioner filed an appeal before the 1st respondent, which was numbered as Appeal No.B/2/6563/2003. But the petitioner wants to withdraw the said appeal and requested the 1st respondent to dismiss the said appeal as not pressed. But the 1st respondent has not dismissed the said appeal in spite of a memos filed by the petitioner on 23.04.2005 and 01.09.2005.

I am not inclined to express any opinion on merits of the case as to whether the 1st respondent entertained the said appeal at the instance of the petitioner or at the instance of others and whether there are any suo moto powers to entertain the appeal etc.

But, however, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 1st respondent to pass appropriate orders on the memos filed by the petitioner dated 23.04.2005 and

01.09.2005, seeking dismissal of the appeal No.B.2/6563/2003, in accordance with law, within a period of 2 (two) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 25.11.2005

Dsr

Note:

Issue CC in 3 days

B/o

Dsr